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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/878,356	06/18/1997	ANTHONY PUMA		7005

7590 11/01/2005

HARVEY LUNENFELD  
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East Northport, NY 11731

EXAMINER

HARRISON, JESSICA

ART UNIT PAPER NUMBER

3700

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 08/878,356	<b>Applicant(s)</b> PUMA ET AL.	
	<b>Examiner</b> Jessica J. Harrison	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 48-51 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 48-51 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

Acknowledgement is made of the response of May 17, 2004. The delay in issuance of the present office action is regretted. Claims 1-47 have been cancelled. Claims 48 – 51 are pending.

Claims 48 – 51 appear allowable over the prior art of record.

This application is in condition for allowance except for the following formal matters:

Several issues illuminated in the prior office actions remain outstanding. Correction may no longer be held in abeyance. The relevant parts of the prior office action are repeated herein.

### **Priority**

It is noted that applicant's preliminary amendment of 6/ 18/ 1997 altered the statement of the priority claim at the first line of the specification to state that the application was a continuation of 08/116249. (\*correction.: *this amendment altered page 21 of the disclosure and the section "Reference to Related Applications"*). At present, the priority claim reads "This application is a continuation of Serial No. 08/ 116,249 filed September 2, 1993, which is a continuation in part of application Serial No. 07/579,410 filed September , 1990."<sup>4</sup>). This statement is untrue as the instant application contains subject matter not present in the prior application as well as omitting reference to an intervening application. Applicant should review the claim for priority and correct as necessary. It is believed that the first sentence of the specification

Art Unit: 3714

should read :

“This application is a continuation - in -part of application Serial No. 08/664,406 filed June 17, 1996, abandoned, which is a continuation of Serial No. 08/116,249 filed September 2, 1993, now US Patent 5,527,033, which is a continuation -in -part of application Serial No. 07/579,410 filed September, 1990, abandoned.”

### **Drawings/Appendix**

This application contains drawings 1-23 (including alphas). At least drawings 19 - 23 are informal. It is requested applicant submit a complete set of formal drawings for review/approval.

It is also noted the instant application contains reference to attached appendices. These do not appear to be present in the file. Appendix listings of the type applicant submitted in the prior application may be submitted as part of the specification, or as drawings. It is requested applicant represent the appendices either as additional pages to the end of the specification, or as additional drawings. Note that if presented as drawings, appropriate amendments to the specification will also be required. No new matter should be entered.

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings are obviously informal. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new

Art Unit: 3714

drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### **Information Disclosure Statement**

It is noted that a substantial amount of prior art is cited on applicant's prior patent 5,527,033. If applicant has a copy of the prior PTO 1449 listing the US patents and particularly the non-patent literature, it is requested he submit it, addressed to the instant file, with the response to this office action. This is for the convenience of the examiner to avoid the retyping of all information on a new form. Copies of the information will be reviewed from the parent file; a listing if readily available is all that is being requested.

Further, applicant is requested to check the reference to Sobotka et al US patent 5,345,930 filed May 1, 1989 found on page 3 of the specification. There is no such corresponding patent to that inventor name. The patent referenced is of a different filing date and pertains to subject matter wholly unrelated to the instant application. Please provide the appropriate patent number if known, or delete the reference passage if not known.

### **Specification**

A substitute specification including the claims is required pursuant to 37 CFR 1.125(a) because the number and nature of amendments, combined with

Art Unit: 3714

the originally filed specification) render the instant file difficult for consideration and too confusing for processing or printing. Specifically, it appears as though the originally filed specification contained underlining and bracketing in what appears to be an indication of amendments. For example, page 58, bridging lines 6 – 7 reads “timing chart for tow [man] player penalty time...”. On page 9, the reference paragraph to the appendixes appears entirely underlined. Page 15, line 13 reads “power play, [they are] it is charged...”. Furthermore, substantial portions of specification (upwards of 30 pages) have been entered subsequent amendments, numbering at least 5. Confusion further exists in that a substantial portion of amendment C'6 (entered on page 64) is identical to the amendment C'4 (entered on page 31). The specification should not duplicate itself. Therefore, representation of the entire specification, including the pending claims, in appropriate form is necessary for consideration and processing. Note that any substitute specification should include/incorporate the referenced appendixes noted above and any appendixes submitted should be in a format consistent with current office practice. See MPEP 608.05.

A substitute specification filed under 37 CFR 1. 125(a) must only contain subject matter from the original specification and any previously entered amendments under 37 CFR 1. 121. If the substitute specification contains additional subject matter not of record, the substitute specification must be filed under 37 CFR 1. 125(b) and (c).

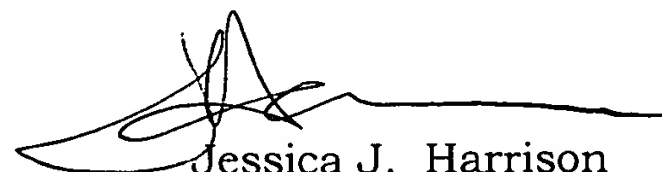
Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica J. Harrison whose telephone number is 571-272-4449. The examiner can normally be reached on M-F during business hours.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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SPRE/TC 3700  
Art Unit 3714

jjh